

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION (TR) NO. 591/2022

Jyoti Kunal Singh (Jyoti Harpal Singh Kacchawah)

Vs

Kunal Kishor Singh

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mrs A.P Murrey, advocate for the appellant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/05/2023.

1. The present application is for seeking transfer of the HMP No. A-1004/2022 from the Family Court No.7, Bandra (Mumbai) to the Family Court No.3, Nagpur.
2. The application is filed on the ground that the marriage of the applicant/wife with the non-applicant/husband was solemnized on 26/02/2020. After marriage she resumed cohabitation but she stayed along with the non-applicant/husband only for 9 days.
3. Due to matrimonial disputes, she was constrained to leave the matrimonial house and took shelter at her parent's house. Now, she is residing at the mercy of her parents. After she was deserted by the non-applicant, no provision is made by the non-applicant for her livelihood or for her maintenance. She has no source of income, therefore, she is unable to bear the cost of the litigation.

4. Moreover, it is contended that the distance between Mumbai to Nagpur is more than 800 Km and it is very difficult for her to attend the proceedings by travelling at 800 km. There is nobody to escort her to attend the proceedings. Taking into consideration, the convenience of the applicant/wife, the matrimonial proceedings be transferred from Mumbai to Nagpur.

5. The notice of the said application though served on the non-applicant but he has chosen not to appear and not to contest the application.

6. Heard learned advocate Mrs A.P. Murrey for the applicant. She reiterated the same contentions and submitted that the applicant is having no source of income, therefore she is unable to bear the cost of litigation. Moreover, the non-applicant has not made any provision either for her maintenance or for her livelihood and there is nobody to escort her to attend the proceedings at 800 km. Therefore, the application deserves to be allowed, considering the convenience of the applicant /wife is concerned.

7. Perused the application. Application is supported by the copy of the Hindu Marriage Petition, which is filed by the at the Family Court, Bandra, Mumbai. Moreover, the applicant/wife has filed an application for monetary relief under the provision of the Domestic Violence Act. Now, it is well settled that while considering the transfer application

in the matrimonial matter, the convenience of the applicant wife is to be taken into consideration. Though the applicant / wife has filed the application for monetary relief under the provision of the Domestic Violence Act, no relief was granted to her. In the above circumstances, it is difficult for her to bear the cost of the litigation.

8. Considering the distance between Mumbai to Nagpur is more than 800 Km., the convenience of the applicant/wife is also one of the considerations. In view of the above, the Misc. Civil Application deserves to be allowed. Hence, I proceed to pass the following order :

- a) The Misc. Civil Application is **allowed**.
- b) The Hindu Marriage Petition No.A-1004/2022 pending in the Court of Family Court No.7, Mumbai at Bandra be transferred to Family Court No.3 Nagpur.
- c) The Family Court No.7, Mumbai at Bandra shall sent Record and Proceedings of the HMP No. A-1004/2022 for adjudication.
- d) The parties to appear before the Family Court Nagpur on 07/06/2023.

JUDGE